

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced E911 Emergency Calling Systems)	
)	
Phase II Compliance Deadlines for Non-)	
Nationwide CMRS Carriers)	

To: Wireless Telecommunications Bureau, Policy Division

N.E. COLORADO CELLULAR, INC.
PETITION FOR EXTENSION OF THE
IMPLEMENTATION SCHEDULE BEGINNING
SEPTEMBER 1, 2003 FOR PHASE II OF ENHANCED 911 SERVICES

N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless ("Petitioner"), by its attorneys, hereby requests a temporary waiver of Section 20.18(f) of the Commission's rules and an extension of the September 1, 2003 and subsequent deadlines to implement Phase II of Enhanced 911 ("E911") services. In particular, Petitioner seeks a temporary waiver of for its analog network of the requirement that Commercial Mobile Radio Service ("CMRS") carriers who have selected a network-based Phase II E911 solution, and who have been granted an extension of time under the provisions of the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay (rel. July 26, 2002), follow a phased in implementation schedule beginning September 1, 2003 or within six months of receiving a valid Public Safety Answering Point ("PSAP") request for Phase II implementation, whichever is later. As indicated below, Petitioner's request for additional Phase II relief is specific, focused, and limited in scope. Petitioner has undertaken concrete steps to come as close as possible to full compliance, has documented its efforts, and

has a clear path to full compliance.¹ For the Commission's reference, we have included as Exhibit A a copy of Petitioner's E-911 Interim Reports filed with the FCC on August 1, 2003 and January 15, 2004.

Petitioner has successfully implemented E911 Phase I services in much of its service area and currently is in negotiations with vendors of E911 Phase II hardware and software products. Petitioner has contracted with and purchased a network based solution from True Position. Petitioner has had four PSAPs request Phase II service in northeast Colorado and the first two counties will be installed as of November 15, 2004. The second two will be installed by January 15, 2005. These successful implementations are in the portion of Petitioner's service area where GSM and analog services are both provided.

A waiver is needed to permit Petitioner to migrate analog customers to its digital GSM platform. There is no available network solution for Petitioner's analog Motorola switch and there is no GPS analog handset available. Thus, the instant waiver is necessary. Although Petitioner is quickly migrating customers to GSM from analog and have had approximately 15,000 of its 30,000 subscribers move to GSM within the last year, there remain customers with analog phones who, despite offers to move to GSM, have chosen to remain on the analog system. Despite good-faith efforts, the Petitioner cannot meet the Phase II mandates for analog service in the four PSAPs mentioned, even though GSM is being deployed. Petitioner asks to be afforded additional time to comply with the Phase II implementation requirements. In support hereof, the following is respectfully shown:

¹ Public Notice titled "Wireless Telecommunications Bureau Provides Guidance on Filings by Small and Mid-Sized Carriers Seeking Relief from Wireless E911 Phase II Automatic Location Identification Rules" released October 19,

I. Background

[is it necessary to even mention Nebraska here? If we only talk Colorado, then we're more focused. We don't need a waiver for analog in Nebraska because there is no analog in Nebraska.]

Petitioner is a comparatively small provider of CMRS, offering Cellular Radiotelephone Service ("CRS") to its subscribers in the Colorado 2 – Logan and Colorado 5 – Elbert Rural Service Areas ("RSA. At present in Colorado, 50 % of NECC's Colorado 2 RSA subscribers receive Phase II service via a digital GSM network which provides Phase II compliant voice service. NECC's remaining 50% of subscribers in the Colorado 2 RSA have not yet migrated to GSM and are receiving analog service on NECC's Motorola switch. This portion of Colorado 2 RSA is 100 percent rural. The largest community NECC serves is Sterling, Colorado, which has a population of 14,000. There are 6 persons per square mile in the RSA, one of the lowest figures in the nation. Over the last few years as NECC has been working to replace its analog network with the digital GSM operations. So far, that transition is 95% complete and is scheduled to be 100% complete by 1st quarter 2005.

NECC is aggressively migrating analog customers over to its digital GSM platform, using handset incentives. However, in Petitioner's exclusively rural area, many consumers remain loyal to analog telephones, some of which operate at 3 watts of transmit power. These phones are useful in some remote areas where other types of handsets are not available. In fact, many of these same customers acknowledge the lack of Phase II E-911 service, however they have indicated that they feel safer having a stronger signal with their 3 watt phone than they

2001 (footnotes omitted), citing the Commission's *Fourth Memorandum Opinion and Order* in CC Docket No. 94-102, 15 FCC Rcd 17442, 17457 (2000).

would if they gave that up for Phase II E-911 service on the GSM system. (See Attached Customer Statements as Exhibit B) At this time, Petitioner foresees a two-year timetable for migrating the remainder of analog customers to digital. Petitioner currently only has 30,000 customers. This is far fewer than 500,000 customers, and thereby continues to meet the definition of a Tier III carrier adopted by the Commission in the *Order To Stay*.

In its Interim Report, filed August 1, 2003, Petitioner explains that it has been pursuing a network-based Phase II E911 solution, consistent with Section 20.18(f) of the Commission's rules. Petitioner has purchased and is in the process of installing a True Position network solution in four Colorado counties. However, Petitioner has been unable to achieve a viable path to compliance with the FCC Phase II performance requirements for customers using NECC's analog network as there is no solution available that is compatible with the Motorola switching equipment. It is for this and other regulatory reasons that Petitioner continues to migrate its analog customers to a new digital GSM technology. These efforts are described below.

A. Deployment of Technologies

Petitioner provides wireless services to its subscribers in the Colorado 2 RSA via an analog Motorola EMX2500 switch. Since the start of implementation of Phase II E-911, Petitioner has been actively working with Motorola to determine the most cost-effective means to make the switch compliant. However, in an unfortunate turn of events, Motorola has since rescinded its support of both E-911 II compliant packages and CALEA hardware support. In addition, to date, no other manufacturer has developed an analog handset or network based solution to Phase II E-911.

Network-based Phase II technology Petitioner considers the change of its system from analog to digital to be the most practical means to make available Phase II services in its operating areas. With a GSM system in Petitioner's service area it will be more practical to execute a plan for a Phase II E911 solution. To that end Petitioner has consulted with some its vendors and as subscribers are migrated to the GSM network, they will receive the same Phase II E-911 network solution that the Petitioner provides throughout the remainder of its market.

PSAPs' requests for Phase II services Petitioner received (four) requests for Phase II services from Colorado PSAPs in counties where Petitioner has a Phase II compliant GSM switch. Implementation in response to these four requests is scheduled for November 15, 2004 and January 15, 2005. However, there is no feasible means to implement analog Phase II services in this same territory.

B. The Path to Compliance

Petitioner has shown good faith in meeting the Commission's E911 requirements by implementing Phase I services for all Phase I capable PSAPs.² In planning for Phase II deployment, Petitioner has contracted for a Phase II network solution with True Position to provide hardware and software for deployment in November 2004, January 2005, and as future requests are received. Petitioner has also made uninterrupted efforts to implement its digital network throughout its service area. Put simply, there is no commercially viable solution that will deliver E-911 to Petitioner's analog subscribers. Petitioner proposes to provide Phase II services for its GSM switches as requests are received and continue to work toward completion

² A detailed showing of Phase I implementation status is contained in the Interim Report.

of its migration of all its remaining analog customers to digital as soon as is practicable. Once migration is complete all customers will have access to Phase II services.

II. Discussion

Generally, the Commission's rules may be waived when there is good cause shown³ and "when special circumstances warrant deviation from the general rule, and such deviation will serve the public interest."⁴ In the context of E-911, the Commission has recognized that individual waivers that are "specific, focused and limited in scope, and with a clear path to compliance" may be granted where due to "technology-related issues" or "exceptional circumstances," a wireless carrier is unable to meet the established deadline.⁵ As explained below, Petitioner's request satisfies this standard.

First, Petitioner is presenting a waiver request that is specific, focused and limited in scope. The scope of the request is limited to Section 20.18(f) of the Commission's rules. Petitioner has made good faith efforts to comply with the other sections of Section 20.18 by implementing Commission's Phase I requirements throughout its served areas. Furthermore, Petitioner seeks only a temporary waiver for its analog systems as to any area for which it receives a valid PSAP request for Phase II deployment.

³ 47 C.F.R. § 1.3.

⁴ Fourth MO&O at 17457; Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing WAIT Radio V. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁵ See id.

Second, Petitioner's request is structured with a "clear path to compliance." Rather than request a "broad, generalized waiver"⁶ or an indefinite extension, Petitioner proposes a phase-in schedule conducive its circumstance as a rural carrier that will employ a network-based location technology.

Third, Petitioner has faced technological issues that have hindered its progress. Specifically, the lack of commercially available analog network equipment or handsets with Phase II location accuracy capability, useful with Petitioner's analog system has delayed Petitioner in its ability to deploy a Phase II solution. Petitioner is left with no alternative solution to its problem. Neither Motorola nor any other company offers a viable way for NECC to comply with the rules. Since the time that E-911 was first implemented NECC has contacted other vendors in search of possible solutions and alternatives to the upgrades Motorola has proposed for its switch to no avail.

Furthermore, grant of the requested waiver is in the public interest. The public policy behind the Commission's E911 rules is to meet important public safety needs as quickly as reasonably possible.⁷ Allowing Petitioner to introduce important public safety needs on a deferred schedule would serve this objective. The deployment obstacles faced by Petitioner are not of its own making. Petitioner was not prepared for Motorola to rescind support of its switch and therefore, until Petitioner can complete the migration of the remainder of its subscribers Petitioner cannot make available to all of its customers the benefits of Phase II location technology. Furthermore, NECC is already in the process of migrating its customers off of this

⁶ See id.

Motorola 2500 analog switch to a new and better GSM system. Forcing NECC to attempt to come into compliance at this time would significantly harm NECC. Such a result is unduly burdensome and inequitable because it would cause substantial harm to Petitioner and its subscribers. Under these circumstances, the implementation timetable proposed herein should allow for an efficient and sensible initiation of Petitioner's Phase II solution.

The Commission has previously shown flexibility in implementing regulations that place a severe economic burden on small carriers. In its December 10, 1995 Caller ID Order, the Commission issued a stay of its per call block and unblocking requirements in response to waiver petitions from several small rural carriers that claimed that providing blocking and unblocking was technically and economically infeasible.⁸

The Commission must look carefully at NECC's situation in the context of the "Small Business Regulatory Enforcement Fairness Act of 1996"⁹ which provides, that federal agencies must "encourage the effective participation of small businesses in the Federal regulatory process"¹⁰ and "to create a more cooperative regulatory environment among the agencies and small businesses that is less punitive and more solution-oriented."¹¹

NECC submits that it is precisely the type of entrepreneurial small business that the Fairness Act was intended to assist. The spirit of these sections of the Fairness Act requires the

⁷ See Fourth MO&O, 15 FCC Rcd at 17449.

^{8/} *Order and Fourth Notice of Proposed Rulemaking*, 10 FCC Rcd 13796, 13808 (1995).

^{9/} P.L. 104-121, 110 Stat. 847 (March 29, 1996) (hereafter, the "Fairness Act")

^{10/} *Id.* at Section 203(3).

^{11/} *Id.* at Section 203(6)

Commission to take a hard look at the impact of the E-911 compliance requirements on a small entity like NECC. Requiring NECC to abandon its current migration plan at an attempt at some other method of compliance thwarts NECC's ability to effectively participate in the industry and can even be construed as punitive. Petitioner should not be penalized for choosing to operate on a switch which still meets its capacity needs and is favored by many of its customers for the time being, but which NECC had no idea would be abandoned by its manufacturer in the face of new and complex regulatory requirements.

III. Conclusion

For the reasons set forth above, Petitioner requests a temporary waiver of Section 20.18(f) of the Commission's rules. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver. Accordingly, Petitioner requests that a waiver and temporary extension of up to twenty-four months be granted as proposed.

Respectfully submitted,

N.E. COLORADO CELLULAR, INC.

By: B. Lynn F. Ratnavale
David A. LaFuria
B. Lynn F. Ratnavale
Its Attorneys

Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Boulevard, Suite 1500
McLean, Virginia 22102
(703) 584-8678

November 17, 2004

Exhibit A

LUKAS, NACE, GUTIERREZ & SACHS

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August 1, 2003

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Via Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: N.E. Colorado Cellular, Inc.
E911 Interim Report

Dear Ms. Dortch:

N.E. Colorado Cellular, Inc. ("NECC") hereby files its E911 Interim Report regarding its wireless Enhanced 911 (E911) deployment and implementation status. NECC, as a Tier III carrier, who is employing a network-based technology, must be providing Phase II E911 service to 50 percent of its coverage area or population within six months of receiving a valid PSAP request; and 100 percent of their coverage area or population within eighteen months of receiving a valid PSAP request. 47 C.F.R. § 20.18(f).

NECC recognizes the public safety importance of Phase II E911 service. NECC provides wireless service in rural parts of Colorado and currently operates on a AMPS network. It also is in the process of installing a GSM network that will be deployed along with its AMPS network. As set forth below, NECC provides its responses to the information requested by the Wireless Telecommunication Bureau in its Public Notice released June 30, 2003 (Public Notice, DA 03-2113, Wireless Telecommunications Bureau Provides Further Guidance on Interim Report Filings by Small Sized Carriers).

- 1. The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid).**

NECC has received Phase I PSAP requests and deployed Phase I service in four of the nine PSAPs within its service area. NECC has not received any Phase II PSAP requests. It has

been communicating regularly and has a good working relationship with all the PSAPs within its service area and anticipates receiving a valid Phase II PSAP request in August, 2003.

2. The carrier's specific technology choice (*i.e.*, network-based or handset-based solution, as well as the type of technology used).

As the Commission is aware, AMPS does not support a handset solution; nor are there any GSM compatible E911 handsets currently available. Therefore, at this time, NECC plans on deploying a network-based solution for both the AMPS and GSM network. NECC finds that a network-based solution is the most cost-efficient solution as the same towers can be utilized for network triangulation. Nonetheless, because of the rural nature of its service area, NECC anticipates that it will have difficulty in meeting the strict location accuracy standards set forth in Section 20.18(h)(1) of the Commission's rules for network-based carriers. In certain areas, NECC believes it will not be able to obtain the proper cell site triangulation to obtain accuracy data. Hence, NECC will work with the PSAPs regarding the location accuracy data that it will be able to achieve and, if necessary, will seek relief from the Commission of the location requirements.

3. Status on ordering and/or installing network equipment.

Since no PSAPs are Phase II capable at this time, NECC has not made the necessary hardware/software upgrades to its network. A major concern to NECC is that there is only one vendor that currently offers a Phase II solution with a Motorola switch (AMPS network).

4. If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets.

As stated above, no E911 handset solution exists for AMPS and GSM networks. Hence, the only alternative solution for NECC at this time is a network-based solution, which will not be able to meet the Commission's strict location accuracy requirements.

4. The estimated date on which Phase II service will first be available in the carrier's network.

NECC estimates that Phase II service will first be available in its network by March, 2004. Triangulation accuracy and product availability will be two major hurdles to overcome in deployment of Phase II service by such a date. Additionally, manpower to implement Phase II deployment will be a major constraint as NECC will also be completing its end-to-end digital coverage in its Colorado markets.

5. Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005.

NA.

In the event you have any questions with respect to this matter, please contact the undersigned.

Sincerely,

David A. LaFuria
Todd Slamowitz

AFFIDAVIT

County of _____

)

CERTIFICATE OF SERVICE

I, Steven McCord, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 1st day of August, 2003, delivered a copy of the foregoing Enhanced 911 Tier III Interim Report to the following:

John Muleta, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C252
Washington, D.C. 20554

David Solomon, Chief*
Enforcement Bureau
Federal Communications Commission
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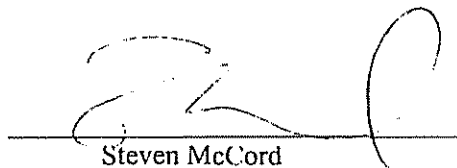
- 2 -

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94 State Street
Drawer 20
Montpelier, VT 05620-6501



Steven McCord

*via hand-delivery

AFFIDAVIT

County of Morgan

State of Colorado

)
)
)

SS:

I, Larry Aisenbrey, having been first duly sworn, depose and state as follows:

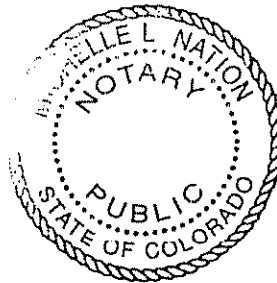
1. I am president NE COLORADO CELLULAR
[title as officer or director] for [company name]
2. I am familiar with the facts contained in the foregoing Interim Report of the status of Enhanced 911 Phase II compliance, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]

Subscribed to and sworn to before me
this 31st day of July, 2003.

[Signature]
Notary Public



My commission expires:

MY COMMISSION EXPIRES 05/20/2005

LUKAS, NACE, GUTIERREZ & SACHS

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* NOT ADMITTED IN D.C.

January 15, 2004

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
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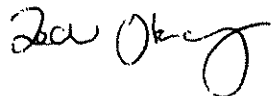
Re: **CC Docket 94-102**
Enhanced 911 Tier III Interim Report
N.E. Colorado Cellular, Inc.

Dear Ms. Dortch:

On behalf of N.E. Colorado Cellular, Inc. there is transmitted herewith a narrative statement regarding the company's E-911 deployment and implementation status. The filer is a Tier III carrier submitting its Interim Report in accordance with the provisions of the Commission's *Order to Stay*, CC Docket 94-102, FCC 03-241 (rel. October 10, 2003), as well as the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay (rel. July 26, 2002) and the subsequent FCC Public Notice released June 30, 2003, DA 03-2113.

If questions arise with regard to this filing, please contact the undersigned.

Very truly yours,



Todd Slamowitz

Northeast Colorado Cellular, Inc.

January 15, 2004

Interim Report of the Status of Enhanced 911 Phase II Compliance

Item I: Number of Phase I and Phase II Requests from PSAPs

Northeast Colorado Cellular, Inc. ("NECC") provides wireless service in rural parts of Colorado and Nebraska.¹ In Colorado, NECC has received Phase I PSAP requests and deployed Phase I service in four of the nine PSAPs within its service area. NECC has recently received a Phase II PSAP request from Morgan County, Colorado. Additional requests from three Phase I Colorado counties is expected in February, 2004. NECC has been communicating regularly and has a good working relationship with all the PSAPs within its service area. In Nebraska, NECC has received Phase I PSAP requests and deployed Phase I service in five of the eleven PSAPs within its service area. It has not received any Phase II PSAP requests from Nebraska. A Phase II request for the five Phase I counties currently served is expected in May, 2004.

Item II: Carrier's Specific Technology Choice

Colorado Phase II Issues

As the Commission is aware, AMPS does not support a handset solution and the Motorola switching system supporting the AMPS product line does not support a Network Phase II solution. Nor are there any GSM compatible E911 handsets currently available. Therefore, at this time, NECC plans on deploying a network-based solution for both the GSM network only. NECC is aggressively migrating current AMPs subscriber to GSM technology. It is expected that by years end that 70% of the current AMPs subscriber base will be migrated to GSM. Because of the rural nature of its service area, NECC anticipates that it will have difficulty in meeting the strict location accuracy standards set forth in Section 20.18(h)(1) of the Commission's rules for network-based carriers. In certain areas, NECC believes it will not be able to obtain the proper cell site triangulation to obtain accuracy data. Hence, NECC will work with the PSAPs regarding the location accuracy data that it will be able to achieve. Additionally, NECC is seeking relief from the Commission of the location requirements.

Nebraska Phase II Issues

In Nebraska, where NECC is constructing a new GSM network to serve its newly licensed territory accuracy issues are more problematic. Currently Interstate 80 in Nebraska has coverage but

¹ NECC's Nebraska licenses were previously held by its affiliate Wireless II, L.L.C. Hence, the E911 Report filed August 1, 2003 was filed under the name of Wireless II, L.L.C.

the building out of off-road coverage has just begun. Meeting triangulation accuracy standards is not possible in the early stages but will improve as more and more towers are installed. Nebraska will require about three-hundred (300) towers for an approximate cost of \$6 million. As NECC is currently operating at a cash flow deficit with respect to its Nebraska system, it believes it will take six years to recoup the costs without state assistance. Further, NECC believes that it is of vital interest to the community to first have coverage. Without coverage, 911 service of any kind cannot function. As such, NECC seeks relief from accuracy standards during the four year build out process.

Item III: Status on ordering and/or installing network equipment.

NECC has worked with True Position and Grayson. Designs for its current GSM coverage areas are to be completed by January 20, 2004, which is necessary to continue to provide service in rural areas where few wireless options are available. No product is currently compatible with the Motorola AMPS system. Due to this product gap, NECC is in the process of aggressively migrating its AMPS customers to its GSM network and expects to have 70% of its customers migrated to GSM by the end of 2004. Currently Nokia does not have an internal Phase II solution. As such, if NECC is forced to install a Phase II solution before November 1, 2004 and external signaling component will have to be purchased and then later replaced with the Nokia integrated solution. NECC will petition the FCC to grant us a delay in installing any Phase II solution until November, 2004. Nokia has informed NECC that they will have a viable Phase II long-term switch-based solution for its GSM network that can be installed and implemented to meet a November 2004 deadline.

Item IV: ALI-Capable Handset Availability

As stated above, no E911 handset solution exists for AMPS and GSM networks. Hence, the only alternative solution for NECC at this time is a network-based solution, which will not be able to meet the Commission's strict location accuracy requirements.

Item V: Estimated date on which Phase II service will first be available

NECC estimates that Phase II service will first be available on its GSM network by November 2004. Triangulation accuracy and product availability will be two major hurdles to overcome in deployment of Phase II service by such a date. Additionally, staffing necessary to implement Phase II deployment will be a major constraint as NECC will also be constructing its end-to-end digital coverage in its Colorado and Nebraska markets.

Item VI: Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005.

NECC will be able to continue to improve accuracy and add GSM Phase II areas as new sites are constructed in Phase II areas. As such all valid requests for Phase II service will be fully implemented by NECC to meet the December 31, 2005 date. The issue will be accuracy in fringe areas and those areas not completely constructed.

AFFIDAVIT

County of Morgan)

)

SS:

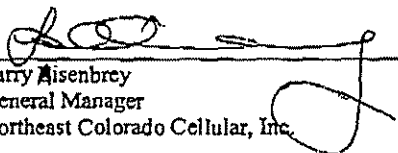
State of Colorado)

I, Larry Aisenbrey, having been first duly sworn, depose and state as follows:

- 1 I am the General Manager for Northeast Colorado Cellular, Inc.
2. I am familiar with the facts contained in the foregoing Interim Report of the status of Enhanced 911 Phase II compliance, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.




Larry Aisenbrey
General Manager
Northeast Colorado Cellular, Inc.

Subscribed to and sworn to before me
this 14th day of January, 2004


Notary Public

My commission expires:
MY COMMISSION EXPIRES 05/20/2005

CERTIFICATE OF SERVICE

I, Steven McCord, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 15th day of January, 2004, sent by hand-delivery, a copy of the foregoing Enhanced 911 Tier III Interim Report of N.E. Colorado Cellular, Inc. to the following:

John Muleta, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3 C252
Washington, D.C. 20554

David Solomon, Chief*
Enforcement Bureau
Federal Communications Commission
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D'wana Terry, Chief*
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Washington, D.C. 20554

Eugenie Barton*
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A104
Washington, D.C. 20554

Robert M. Gurss
APCO International
1725 DeSales Street, NW, #808
Washington, D.C. 20036

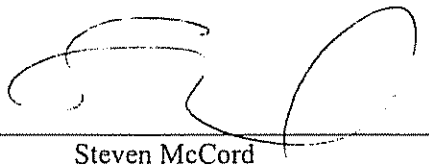
- 2 -

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Ave. N.W., Suite 1000
Washington, D.C. 20036
Counsel for NENA and NASNA

John Ramsey, Executive Director
APCO International, Inc. World Headquarters 351 N. Williamson Blvd.
Daytona Beach, FL 32114-1112

Terry Peters, Executive Director
NENA
4350 N. Fairfax Drive, Suite 750
Arlington, VA 22203

Evelyn Bailey, Executive Director, NASNA
Vermont Enhanced 9-1-1 Board
94 State Street
Drawer 20
Montpelier, VT 05620-6501



Steven McCord

*via hand-delivery

Exhibit B


Claude Henry
14700 Road 29
Brush, Colorado 80723

November 15, 2004

To Whom It May Concern:

I have had a cell phone with Viaero Wireless for approximately five years. I own and operate my own dump truck in Northeastern Colorado working mainly for highway construction companies. Viaero Wireless has told me that I could move up to their digital system. I was also informed that as long as I am on the analog system I will not be able to obtain Phase II E-911 service. I am not willing at this point in time willing to give up my analog phone just to obtain the Phase II E-911 service as I am in places where I can receive an analog signal and not the digital signal which I believe is a safer way to go.

Sincerely yours,

A handwritten signature in cursive script that reads "Claude Henry". The signature is written in dark ink and is positioned above the printed name.

Claude Henry

11-13-04

To whom it may concern:

I have been with Thane

since for over 11 years.

I live in Anglen Co. and

travel throughout eastern Co.

with my husband who has had

some health problems the past

few years. I have had the opp-

portunity to switch to the Thane

digital service, I understand

that as long as I am on my

usual pay phone I will not

be able to have the Phase II F-911

service. I feel that using a phone

that has a signal more of the time

than a digital phone, even though

the digital phone would have the

Phase II F-911 service.

Sincerely,
Betty Amelberg

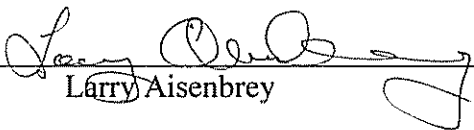
DECLARATION

I, Larry Aisenbrey, hereby state and declare:

1. I am Senior Vice President of N.E. Colorado Cellular, Inc.
2. I am familiar with the facts contained in the foregoing petition, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts that are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of November, 2004.


Larry Aisenbrey

CERTIFICATE OF SERVICE

I, Donna Brown, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 17th day of November 2004, sent by hand-delivery, a copy of the foregoing Petition for Extension of the Implementation Schedule Beginning September 1, 2003 For Phase II of Enhanced 911 Services to the following:

John Muleta, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C252
Washington, D.C. 20554

David Solomon, Chief*
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 7-C485
Washington, D.C. 20554

D'wana Terry, Chief*
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C133
Washington, D.C. 20554

Jennifer Tomchin, Legal Advisor*
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C400
Washington, D.C. 20554

Eugenie Barton*
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Washington, D.C. 20554


Donna Brown

* via hand-delivery